

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 3721  
Applicant : Kevin J. Dewey et al.  
Appn. No. : 10/567,885  
Filing Date : February 9, 2006  
Conf. No. : 2130  
For : FOOD CONTAINER SEALING APPARATUS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.97(b)

Pursuant to 37 CFR §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO-1449. This Information Disclosure Statement is being filed within three months of the date of entry of the national stage in an international application.

As the Office has waived the requirement under 37 CFR §1.98(a)(2)(i) for submitting a copy of each cited U.S. patent, copies of the listed U.S. patents are not included with the submission of attached Form PTO 1449. Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

The listed documents were cited in the International Search Report and Written Opinion which issued from a corresponding International Patent Application. Copies of the International Search Report and Written Opinion are included herewith. The International Search Report and Written Opinion are not references, and Applicants do not necessarily subscribe to any of the statements contained therein.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not

Applicant : Kevin J. Dewey et al.  
Appn. No. : 10/567,885  
Page : 2

constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 16-2463.

Respectfully submitted,

May 8, 2006  
Date

/Marcus P. Dolce/

---

Marcus P. Dolce, Registration No. 46 073  
Price, Heneveld, Cooper, DeWitt & Litton, LLP  
695 Kenmoor, S.E.  
Post Office Box 2567  
Grand Rapids, MI 49501  
(616) 949-9610

MPD/msj

|  |  |                                 |                       |
|--|--|---------------------------------|-----------------------|
| FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE<br>(Rev. 2-32) PATENT AND TRADEMARK OFFICE |  | ATTY. DOCKET NO.<br>OLI02 P-361 | SERIAL NO. 10/567,885 |
| INFORMATION DISCLOSURE<br>STATEMENT BY APPLICANT                                     |  |                                 |                       |
| (Use several sheets if necessary)  |  |                                 |                       |

## U.S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL | DOCUMENT NUMBER | DATE       | NAME             | CLASS | SUB-<br>CLASS | FILING<br>DATE IF<br>APPRO-<br>PRIATE |
|---------------------|-----------------|------------|------------------|-------|---------------|---------------------------------------|
|                     | 6 6 8 1 5 4 6   | 01/27/2004 | DeYoung et al.   |       |               |                                       |
|                     | 6 4 9 9 2 7 1   | 12/31/2002 | Lastovich et al. |       |               |                                       |
|                     | 5 9 3 0 9 7 7   | 08/03/1999 | Hsu              |       |               |                                       |
|                     | 3 9 3 7 6 4 5   | 02/10/1976 | Ascoli et al.    |       |               |                                       |
|                     | 3 3 9 2 5 0 6   | 07/16/1968 | Haines           |       |               |                                       |
|                     | 3 3 7 8 9 9 1   | 04/23/1968 | Anderson         |       |               |                                       |
|                     | 2 0 7 8 3 1 4   | 04/27/1937 | Busche           |       |               |                                       |

## FOREIGN PATENT DOCUMENTS

| EXAMINER<br>INITIAL | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB-<br>CLASS | TRANSLA-<br>TION |
|---------------------|-----------------|------|---------|-------|---------------|------------------|
|                     |                 |      |         |       |               |                  |
|                     |                 |      |         |       |               |                  |
|                     |                 |      |         |       |               |                  |
|                     |                 |      |         |       |               |                  |

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

|                     |                    |
|---------------------|--------------------|
| EXAMINER<br>INITIAL | DATE<br>CONSIDERED |
|                     |                    |

|                     |                    |
|---------------------|--------------------|
| EXAMINER<br>INITIAL | DATE<br>CONSIDERED |
|                     |                    |

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

# RECEIVED

## PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

|   |  |
|---|--|
| To:<br><b>MARCUS P. DOLCE</b><br>PRICE, HENEVELD, COOPER, DEWITT & LITTON, LLP<br>695 KENMOOR, S.E.<br>P.O. BOX 2567<br>GRAND RAPIDS, MI 49501-2567 | PRICE, HENEVELD, COOPER,<br>DEWITT & LITTON,<br>LLP<br>C/O<br>PCT<br>C/O |
|---|--|

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION  
(PCT Rule 44.1.)

|   |                              |
|---|------------------------------|
| Date of mailing<br>(day/month/year)           | <b>31 JAN 2006</b>           |
| FOR FURTHER ACTION                            | See paragraphs 1 and 4 below |
| International filing date<br>(day/month/year) | 18 August 2005 (18.08.2005)  |
| Applicant<br>OLIVER PRODUCTS COMPANY          |                              |

- The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.  
**Filing of amendments and statement under Article 19:**  
The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):  
**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338 82 70.

For more detailed instructions, see the notes on the accompanying sheet.

- The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
- With regard to the protest against payment of (an) additional fee(s) under Rule 40.2,** the applicant is notified that:
  - the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
  - no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.
- Reminders**  
Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.  
The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.  
Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.  
In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.  
See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

|  |   |
|--|---|
| Name and mailing address of the ISA/ US<br>Mail Stop PCT, Attn: ISA/US<br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, Virginia 22313-1450<br>Facsimile No. (571) 273-3201 | Authorized officer<br>John Sipos<br>Telephone No. 703-308-1078<br>(See notes on accompanying sheet) |
|--|---|

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

|   |   |  |
|---|---|--|
| Applicant's or agent's file reference<br>OLJ020361PCT | FOR FURTHER<br>ACTION   | see Form PCT/ISA/220<br>as well as, where applicable, item 5 below.      |
| International application No.<br>PCT/US05/29363       | International filing date (day/month/year)<br>18 August 2005 (18.08.2005) | (Earliest) Priority Date (day/month/year)<br>19 August 2004 (19.08.2004) |
| Applicant<br>OLIVER PRODUCTS COMPANY                  |   |  |

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 5 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the Report**
  - a.  With regard to the language, the international search was carried out on the basis of:  
 the international application in the language in which it was filed.  
 a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
  - b.  With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.  
 Certain claims were found unsearchable (See Box No. II)
  2.  Unity of invention is lacking (See Box No. III)
  3.  With regard to the title,  
 the text is approved as submitted by the applicant.
  4.  the text has been established by this Authority to read as follows:
5.  With regard to the abstract,  
 the text is approved as submitted by the applicant.  
 the text has been established, according to Rule 3.8.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.
6.  With regard to the drawings,
  - a.  the figure of the drawings to be published with the abstract is Figure No. 1A  
 as suggested by the applicant.  
 as selected by this Authority, because the applicant failed to suggest a figure.  
 as selected by this Authority, because this figure better characterizes the invention.
  - b.  none of the figures is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/US05/29363

### Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:
  
2.  Claims Nos.: because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:  
These claims are unclear in that they do not depend in the alternative on the previous claims.
  
3.  Claims Nos.: 6-16,22-31 and 40-42 because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

### Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:  
Please See Continuation Sheet

1.  As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2.  As all searchable claims could be searched without effort justifying additional fees, this Authority did not invite payment of any additional fees.
3.  As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
  
4.  No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.: 1-5,17-21,32-39 and 43.  

|  |  |
|--|--|
| <input type="checkbox"/> Remark on Protest | <input type="checkbox"/> The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.   |
| <input type="checkbox"/>                   | <input type="checkbox"/> The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation. |
| <input type="checkbox"/>                   | <input type="checkbox"/> No protest accompanied the payment of additional search fees.   |

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US05/29363

### A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : B65B 5/10  
US CL : 53/329.2, 329.3, 329.5

According to International Patent Classification (IPC) or to both national classification and IPC

### B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
U.S. : 53/329.2, 329.3, 329.5

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

### C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages        | Relevant to claim No.           |
|------------|---|---------------------------------|
| X          | US 6,499,271 A (Lastovich et al) 31 December 2002 (31.12.2002), column 6, line 26 et seq. | 1,2,4,34,35,37-39&43            |
| Y          |   | 3,5,17-21,32,33&36              |
| X          | US 3,378,991 A (Anderson) 23 April 1968 (23.04.1968), see entire patent                   | 2-4,34,36&38                    |
| Y          |   | 1,5,17-<br>21,32,33,35,37,39&43 |
| X          | US 6,681,546 B2 (DeYoung et al) 27 January, 2004 (27.01.2004), see entire patent          | 2,3,4,34,36,38&43               |
| Y          |   | 1,5,17-21,35,37&39              |
| A          | US 5,930,977 A (Hsu) 03 August 1999 (03.08.1999), see entire patent                       | 1-5,17-21,32-39&43              |
| A          | US 3,937,645 A (Ascoci et al) 10 February 1976 (10.02.1976), see entire patent            | 1-5,17-21,32-39&43              |
| A          | US 3,392,506 A (Haines) 16 July 1968 (16.07.1968), see entire patent                      | 1-5,17-21,32-39&43              |

Further documents are listed in the continuation of Box C.  See patient family annex.

Special categories of cited documents:

- "A"- document defining the general state of the art which is not considered to be of particular relevance
- "E"- earlier application or patent published on or after the international filing date
- "L"- document which may throw doubts on priority (claims) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O"- document referring to an oral disclosure, use, exhibition or other means
- "P"- document published prior to the international filing date but later than the priority date claimed

Date of the actual completion of the international search  
27 December 2005 (27.12.2005)

Name and mailing address of the ISA/US  
Mail Stop PCT, Ann. 1, USPTO  
Commissioner for Patents  
P.O. Box 450  
Alexandria, Virginia 22313-1450  
Facsimile No. (571) 273-3201

Date of mailing of the international search report  
31 JAN 2006

Authorized officer  
John Sipos  
Telephone No. 703-308-1078  
71-373-0068

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US05/29363

### C. (Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|--|-----------------------|
| A          | US 2,078,314 A (Busche) 27 April 1937 (27.04.1937), see entire patent              | 1-5,17-21,32-39&43    |

INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US05/29363

**BOX III. OBSERVATIONS WHERE UNITY OF INVENTION IS LACKING**  
This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. In order for all inventions to be examined, the appropriate additional examination fees must be paid.

Group I, claim(s) 1-5,17-21,32-39 and 43 drawn to a container sealing apparatus.

Group II, claim(s) 44-46, drawn to a container holder.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Group I claims the features of a heater platen and pressure applicator, and Group II claims a container holder with at least one opening, legs and a firm holder. Since the special technical features of the Group I invention is not present in the Group II invention being claimed and the special technical features of the Group II invention is not present in the Group I invention being claimed, unity of invention is lacking.

PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
MARCUS P. DOLCE  
PRICE, HENEVELD, COOPER, DEWITT & LITTON, LLP  
695 KENMOOR, S.E.  
P.O. BOX 2567  
GRAND RAPIDS, MI 49501-2567

**PCT**  
WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

|  |   |   |   |
|--|---|---|---|
| Applicant's or agent's file reference<br><b>OLI020361PCT</b>   |   | Date of mailing<br>( <i>day/month/year</i> )<br><b>31 JAN 2006</b>            | FOR FURTHER ACTION<br>See paragraph 2 below |
| International application No.<br><b>PCT/US05/29363</b>   | International filing date ( <i>day/month/year</i> )<br><b>18 August 2005 (18.08.2005)</b> | Priority date ( <i>day/month/year</i> )<br><b>19 August 2004 (19.08.2004)</b> |   |
| International Patent Classification (IPC) or both national classification and IPC<br><b>IPC(7): B65B 5/114 and US CL: 53/329.2, 329.3, 329.5</b> |   |   |   |
| Applicant<br><b>OLIVER PRODUCTS COMPANY</b>  |   |   |   |

1. This opinion contains indications relating to the following items:

Box No. I Basis of the opinion  
 Box No. II Priority  
 Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  
 Box No. IV Lack of unity of invention  
 Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement  
 Box No. VI Certain documents cited  
 Box No. VII Certain defects in the international application  
 Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

|  |  |  |
|--|--|--|
| Name and mailing address of the ISA/US<br>Mail Stop PCT, Attn: IS-A/US<br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, Virginia 22313-1450<br>Facsimile No. (571) 273-3201 | Date of completion of this opinion<br>11 January 2006 (11.01.2006) | Authorized officer<br>John Sipos <i>Shawn J. Sheenahan</i><br>Telephone No. 703-308-1078 |
|--|--|--|

Form PCT/ISA/237 (cover sheet) (April 2005)

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/29363

**Box No. I Basis of this opinion**

1. With regard to the language, this opinion has been established on the basis of:
  - the international application in the language in which it was filed
  - a translation of the international application into \_\_\_\_\_ which is the language of a translation furnished for the purposes of international search (Rules 12.3(g) and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

- a. type of material
  - a sequence listing
  - table(s) related to the sequence listing
- b. format of material
  - on paper
  - in electronic form
- c. time of filing/furnishing
  - contained in the international application as filed.
  - filed together with the international application in electronic form.
  - furnished subsequently to this Authority for the purposes of search.

3.  In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

**4. Additional comments:**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/29363

**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**  
The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

the entire international application  
 claims Nos. 6-16, 22-31 and 40-42

because:

the said international application, or the said claim Nos. \_\_\_\_\_ relate to the following subject matter which does not require an international search (*specify*):

the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 6-16, 22-31 and 40-42 are so unclear that no meaningful opinion could be formed (*specify*):

The above claims are improper multiple dependent claims since they do not depend in the alternative on previous claims and therefore are unclear (PCT Rule 6.4(a)).

the claims, or said claims Nos. \_\_\_\_\_ are so inadequately supported by the description that no meaningful opinion could be formed (*specify*):

no international search report has been established for said claims Nos. \_\_\_\_\_  
a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.  
 furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.  
 pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13ter.1(a) or (b).

a meaningful opinion could not be formed without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-bis of the Administrative Instructions, and such tables were not available to the International Searching Authority in a form and manner acceptable to it.  
 the tables related to the nucleotide and/or amino acid sequence listing, if in electronic form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

See Supplemental Box for further details.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/29363

**Box No. IV Lack of unity of invention**

1.  In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has, within the applicable time limit:
  - paid additional fees
  - paid additional fees under protest and, where applicable, the protest fee
  - paid additional fees under protest but the applicable protest fee was not paid
  - not paid additional fees
2.  This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
  - complied with
  - not complied with for the following reasons:  
See the lack of unity section of the International Search Report (Form PCT/ISA/210)

4. Consequently, this opinion has been established in respect of the following parts of the international application:
  - all parts.
  - the parts relating to claims Nos. 1-5, 17-21, 32-39 and 43-46

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US05/29363

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

| 1. Statement                  |                               |     |  |
|-------------------------------|-------------------------------|-----|--|
| Novelty (N)                   | Claims 5,17-21,32 and 33      | YES |  |
|                               | Claims 1-4,34,35-39 and 43    | NO  |  |
| Inventive step (IS)           | Claims NONE                   | YES |  |
|                               | Claims 1-5,17-21,32-39 and 43 | NO  |  |
| Industrial applicability (IA) | Claims 1-5,17-21,32-39 and 43 | YES |  |
|                               | Claims NONE                   | NO  |  |

2. Citations and explanations:

Claim 1,2,4,34,35,37-39 and 43 novelty under PCT Article 33(2) as being anticipated by Lastovich (6,499,271). The patent to Lastovich shows a container sealing apparatus comprising a base, a container holder 106 that is slideable into and out of position below a heater platen 114, a film supply roll R, a rotatable handle 136 that moves the heater platen down onto the container, a cam 140 connecting the handle to a pressure applicator 138 that includes springs 148 that presses the heater platen against the film and onto the container. Claims 3,5,17-21,32,33 and 36 an inventive step under PCT Article 33(3) as being obvious over Lastovich (6,499,271) in view of Anderson O3,378,991. The Lastovich device lacks the use of acuter on the heater platen. The patent to Anderson shows a container sealing apparatus comprising a base, a container holder 116 with side grooves that is slideable into and out of position below a heater platen 114, a film supply roll 48, a rotatable handle 37 that moves the heater platen down onto the container, a pressure applicator 41,42 that presses the heater platen against the film and onto the container and cutter 56 that cuts the film from the roll. It would have been obvious to one skilled in the art to provide a cutter on the heater platen of Lastovich as shown by Anderson to automatically cut the film. Note that although Lastovich doesn't clearly set forth the use of a cutter other than a manual cutting operation (column 5, lines 58-61), Lastovich must have envisioned the use of a cutter since the embodiment of Figure 16 uses a conveyor to move the containers past the heater platen.

Regarding the panels of the base recited in claims 5 and 17, it would have been obvious to one skilled in the art to enclose the device of Lastovich to protect the user from accidental access to the interior of the device.

Regarding the horizontal grooves of claims 5 and 18, Lastovich shows such grooves for the container holder at rails 20,22. Regarding the vertical grooves of claims 5,20 and 21, Lastovich shows the use of rods 116 and sleeves 118 to vertically guide the heater platen and since the use of grooves as guides is well known in the art it would have been obvious to one skilled in the art to use grooves in Lastovich instead of rod/sleeves to guide the vertical movement of the platen.

Regarding claim 32, the use of reciprocating cutters that are designed to cut while moving in both directions is well known in the cutting art and it would have been obvious to one skilled in the art to use such a cutter in the Lastovich device to increase the speed of the machine.

Claims 1-5,17-21,32-39 and 43 meet the criteria set out in PCT Article 33(4), and thus industrial applicability because the subject matter claimed can be made or used in industry.